



# SENATE BILL 411: Ethics Requirements for MPOs/RPOs

2013-2014 General Assembly

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<b>Committee:</b>	Senate Judiciary I	<b>Date:</b>	April 5, 2013
<b>Introduced by:</b>	Sens. Rabon, Harrington	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	PCS to First Edition		Committee Counsel
	S411-CSST-20		

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**SUMMARY:** *The proposed committee substitute for Senate Bill 411 would remove Metropolitan Planning Organizations (MPOs) and Rural Transportation Planning Organizations (RPOs) from the general application of the State Government Ethics Act and require specific ethics requirements of members serving on a transportation advisory committee of either organization.*

*The proposed committee substitute makes technical and clarifying changes.*

**CURRENT LAW:** Metropolitan Planning Organizations (MPOs) and Rural Transportation Planning Organizations (RPOs) work with the Department of Transportation in developing transportation plans.

Membership is determined by memorandum of understanding between the RPO or MPO and the Secretary of Transportation and generally includes local elected officials, Board of Transportation area representative, Department of Transportation, Federal Highway Administration, tribal governments, transit providers, and other agencies. Typically, an MPO or RPO is broken down into two subsets – a transportation advisory committee (TAC) and a technical coordinating committee (TCC). Generally, elected officials serve on the TAC; local government employees and staff on the TCC.

Effective January 1<sup>st</sup> of this year, all members of MPOs and RPOs are currently covered under the State Government Ethics Act due to their service on the MPO or RPO' regardless of whether that member serves on the TAC or TCC. Pursuant to an opinion of the State Ethics Commission, all members are to file statements of economic interest on or before April 15th of each year. (AO-E-12-002) All members of the MPOs and RPOs are to attend ethics training within six months of coming under the State Government Ethics Act. All members are comply with the code of conduct, which includes the gift ban, conflict of interest provisions, and inappropriate use of public position.

The State Government Ethics Act applies in whole, or in part, to certain public servants, certain judicial officials, all legislators, and legislative employees. For public servants, the Council of State, certain listed employees of the State, and members of non-advisory boards and commissions created by the State are covered. Generally, the State Government Ethics Act does not apply to local officials, unless the local official is also an appointed public servant.

**BILL ANALYSIS:** The pcs would remove the application of the State Government Ethics Act to MPOs and RPOs and substitute ethics requirements pertinent to the function of the MPOs and RPOs . All members with voting authority of each MPO and RPO would need to do the following:

1. Not participate in any action if the member knows that the member, the member's extended family, or business with which the member is associated may incur a reasonably foreseeable financial benefit that would impair the member's independence of judgment or from which it could reasonably be inferred that the financial benefit would influence the member's action



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2. Promptly disclose, in writing, any conflict of interest or potential conflict of interest.
3. File a Statement of Economic Interest (SEI) with the State Ethics Commission, that will be evaluated for conflicts and potential conflicts.
4. File with the State Ethics Commission a list of all real estate owned wholly or in part by the member, the member's extended family, and any business with which the member is associated located in the jurisdiction of the MPO/RPO on which the member is serving.
5. Not use or disclose nonpublic information gained through the MPO/RPO service in a way that would affect a personal financial interest of the member, the member's extended family, or a business with which the member is associated.

Violations of the conflict of interest provision would be Class 1 misdemeanor. Knowingly concealing information on the SEI or real estate disclosure would also be a Class 1 misdemeanor. Providing false information on those two statements would be a Class H felony.

Any Board of Transportation member serving on a TAC of an MPO or RPO would be required to adhere to the ethics provisions applicable to the Board of Transportation while serving on the MPO or RPO.

**EFFECTIVE DATE:** Effective when it becomes law. Any individual serving on an MPO or RPO that has already filed a SEI will not be required to refile.